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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,437	03/18/2004	Akio Konishi	YAMAP0912US	5429

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MARK D. SARALINO (GENERAL)  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 EUCLID AVENUE, NINETEENTH FLOOR  
CLEVELAND, OH 44115-2191

EXAMINER
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BLOUIN, MARK S

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/803,437

Applicant(s)

KONISHI ET AL.

Examiner

Mark Blouin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## Detailed Action

### *Drawings*

1. Figures 8-10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the **capstan (54)** as described in the specification. **Figure 1 shows the number 54, but it is unclear as to where the capstan is (54 points to the housing), and Figure 3 is said to show the capstan in detail, however number 54 is not shown to indicate whether the whole figure is the capstan or part of the figure is the capstan.** Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be

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renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuda et al (US 5,638,231).

5. Regarding Claim 1, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus comprising: an arm section (Fig. 24) pivotable about a pivoting shaft (108); a tape guide section (107) provided on the arm section for guiding a magnetic tape; a capstan (101) section for driving the magnetic tape so as to run; and a maintaining section (Fig. 29, 99) provided on the capstan section; wherein: the arm section is pivotable between a first location and a second location the first location is a location at which the information recording to and/or information reproduction from the magnetic tape is possible (Fig. 25) the second location is a location at which the information recording to and/or information reproduction from the magnetic tape is not possible (Fig.

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21); and when the arm section pivots from the second location to the first location the maintaining section maintains a relative position of the arm section, which is in the first location to the capstan section.

6. Regarding Claim 2, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein as the arm section pivots from the second location to the first location the tape guide section pull out the magnetic tape (See Fig. 21 and 25).

7. Regarding Claim 3, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein: the tape guide section is provided on the arm section so as to maintain a relative tilt of the tape guide section to the arm section the maintaining section is provided on the capstan section so as to maintain a relative tilt of the maintaining section to the capstan section; and when the arm pivots from the second location to the first location the maintaining section maintains a relative tilt of the arm section which is in the first location to the capstan section (Col 7, lines 1-16).

8. Regarding Claim 4, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, further comprising: a cylinder (94) for recording information to and/or reproducing information from the magnetic tape; a first chassis (81) section having the cylinder provided thereon; and a second chassis section (86) on which a cassette accommodating the magnetic tape is mountable, the second chassis section being movable with respect to the first chassis section wherein in accordance with the movement of the second chassis section the arm section pivots from the second location to the first location.

9. Regarding Claim 5, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein: the first chassis section has a first chassis surface (81)

having the cylinder (94) thereon and a second chassis (86) surface substantially perpendicular to the first chassis surface; the capstan section includes a pivoting adjusting section (116) for pivoting the capstan (101) section along a plane parallel to the second chassis surface so as to adjust a tilt of the capstan section the second chassis surface has an engaging section engageable with the pivoting adjusting section; the pivoting adjusting section pivots in accordance with the pivoting of the capstan section and the pivoting center of the pivoting adjusting section substantially matches the position of the maintaining section (Col 19, lines 8-20).

10. Regarding Claim 6, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, wherein when the arm section pivots from the second location to the first location, the tape guide section is located in the vicinity of the maintaining section (Figs. 21 and 25).

11. Regarding Claim 7, Okuda et al shows (Figs. 21-28) a magnetic recording and reproduction apparatus, further comprising a plurality of guide posts (117,118) for guiding the magnetic tape; wherein one of the plurality of guide posts is the tape guide section and when the arm section pivots from the second location to the first location the tape guide section is closest to the capstan (101) section among the plurality of guide posts.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M. Blouin', with a long horizontal flourish extending to the right.

Mark Blouin  
Patent Examiner  
Art Unit 2627  
August 18, 2006